

## Message Text

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ORIGIN L-02

INFO OCT-01 ARA-06 ISO-00 SR-02 ORM-01 SY-05 SCA-01 SS-15

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DRAFTED BY L/ARA:DAGANTZ

APPROVED BY ARA/APU:CEBARTCH

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ARA:GLISTER

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P 242211Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES PRIORITY

LIMITED OFFICIAL USE STATE 148494

E.O. 11652: N/A

TAGS: BTRA, SREF, AR

SUBJECT: DETENTION OF US CITIZEN MEMBER OF ICJ MISSION  
TO ARGENTINA

REF: A. BUENOS AIRES 4226 B. BUENOS AIRES 4208

C. STATE 147042

1. DESPITE REF A WE BELIEVE IT ADVISABLE GO ON RECORD WITH  
NOTE ALONG LINES GIVEN BELOW.

2. QUOTE

THE EMBASSY HAS BEEN ADVISED THAT ON JUNE 16 AN AMERICAN  
CITIZEN, DR. JOSE CABRANES, SOUGHT ENTRY TO ARGENTINA TO  
PARTICIPATE IN AN INTERNATIONAL COMMISSION OF JURISTS STUDY  
GROUP. DR. CABRANES WAS DETAINED AT THE AIRPORT FOR A  
PERIOD OF SIX HOURS, AND DESPITE HIS REPEATED REQUESTS, WAS  
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DENIED ACCESS TO UNITED STATES CONSULAR OFFICIALS. DR.  
CABRANES WAS THEN EXPELLED FROM ARGENTINA. REPORTS OF THE  
INCIDENT PROVIDED TO THE GOVERNMENT OF THE UNITED STATES  
INFORMALLY BY THE GOVERNMENT OF ARGENTINA AND DIRECTLY BY

DR. CABRANES ARE ESSENTIALLY THE SAME.

THE EMBASSY OF THE UNITED STATES RECOGNIZES THE RIGHT OF THE GOVERNMENT OF ARGENTINA TO REFUSE ENTRY TO ANYONE, ALTHOUGH IT IS THE EMBASSY'S UNDERSTANDING THAT THE GOVERNMENT OF ARGENTINA HAD BEEN ADVISED MORE THAN TWO MONTHS AGO THAT DR. CABRANES WAS PLANNING A TRIP TO ARGENTINA FOR THIS PURPOSE, AND THAT THE ARGENTINE MISSION IN GENEVA HAD ADVISED THE INTERNATIONAL COMMISSION OF JURISTS INFORMALLY THAT THERE WAS NO OBJECTION TO THIS MISSION. HOWEVER, IT IS THE VIEW OF THE UNITED STATES THAT DR. CABRANES' RIGHTS AND THE GOVERNMENT OF ARGENTINA'S OBLIGATIONS UNDER ARTICLE 36 OF THE VIENNA CONSULAR CONVENTION WERE NOT RESPECTED. THE CONSULAR CONVENTION APPLIES TO PERSONS WHO ARE WITHIN ARGENTINE TERRITORY WHETHER OR NOT THEY HAVE BEEN FORMALLY ADMITTED TO ARGENTINA, IF SUCH PERSONS ARE, AS SECTION 36(1)(B) OF THE VIENNA CONSULAR CONVENTION PUTS IT, " . . . ARRESTED OR COMMITTED TO PRISON OR TO CUSTODY PENDING TRIAL OR DETAINED IN ANY OTHER MANNER . . ."

AS ARTICLE 36(1)(A) INDICATES CONSULAR OFFICERS SHALL BE FREE TO COMMUNICATE WITH THEIR NATIONALS AND HAVE ACCESS TO THEM; AS 36(1)(B) PROVIDES, OFFICIALS WHO ASSERT SOME SORT OF CUSTODY - I.E., DETAIN IN ANY MANNER - SHALL NOT PREVENT THE NATIONAL TELLING HIS CONSULAR OFFICER WHERE HE IS AND THAT HE WANTS TO SEE HIM. INDEED, THE CONVENTION REQUIRES THAT SUCH DETAINING OFFICIALS ADVISE THE NATIONAL OF THIS RIGHT. IN THE PRESENT CASE THOSE OFFICIALS APPARENTLY REFUSED TO GET IN TOUCH WITH THE CONSUL AND INSTEAD APPEAR TO HAVE INTERROGATED THE NATIONAL AND INTERFERED WITH HIS PRIVACY AND CORRESPONDENCE. END QUOTE. KISSINGER

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